

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFERSON-PILOT LIFE	:	NO. 1:02-CV-00479
INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
CHRISTOPHER L. KEARNEY,	:	
	:	
	:	
Defendant.	:	

This matter is before the Court on Plaintiff's Motion for Earlier Hearing Date (doc. 58), Defendant's Memorandum in Opposition (doc. 65), and Plaintiff's Reply (doc. 71).

Plaintiff requests the Court reschedule the hearing on Cross-Motions for Summary Judgment, currently set for August 4, 2004, to an earlier date, so as to determine this case on the Motions (doc. 58). Defendant responds that Plaintiff has refused to cooperate in discovery, as evidenced by his two pending Motions to Compel, and by incomplete depositions (doc. 65). Defendant argues that rather than expediting the hearing, the Court may in fact need to postpone the August 4, 2004 hearing (Id.). Plaintiff replies that many of Defendant's issues have now been resolved, and that the depositions sought by Plaintiff can wait until after resolution of the Cross-Motions (doc. 71).

Having reviewed this matter, the Court finds it inappropriate in this instance to grant Plaintiff's Motion for Earlier Hearing Date. All matters relating to discovery have been

referred to the Magistrate Judge, and two Motions to Compel are currently pending before him. When discovery disputes have been resolved, and if necessary, further depositions are completed, then the case will be in a correct posture for a hearing on the Cross-Motions. It remains to be seen whether it will be necessary to postpone the August 4, 2004 hearing, but it is clear that an expedited hearing date is neither practicable nor just at this time.

Accordingly, the Court DENIES Plaintiff's Motion for an Expedited Hearing Date (doc. 58).

SO ORDERED.

Dated: July 14, 2004

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge